

July 13, 1987

DEQE/DWPC, Wastewater Residuals
Guidance Document No. 87-2:
Horticultural Use

Background

It has been determined that utilization of sludge materials for horticultural purposes is significantly different than “typical” land application projects and therefore the regulatory procedures to be followed require clarification. This document attempts to perform that function.

The utilization of wastewater treatment plant sludge (or sludge products) in horticultural products (turf, trees, shrubs, potted plants) is regulated, in general, by 310 CMR 32.00, and is controlled by the chemical classification, the sludge application rate, sale and distribution restrictions, and approval of suitability requirements.

After an Approval of Suitability has been granted, type I material may be used without further approval of the Department. Type II material may be used only with the prior approval of the Department. The Approval of Suitability and Land Application Certificate are needed to regulate the use of the material.

Because of the strict regulatory controls for Type III material, such as requirements for recording the application site in the registry of deeds, and the fact that the horticultural products will get wide distribution, it is the Task Force’s opinion that such sludges should not be allowed for these purposes, unless the Department is convinced that for a specific project proposal, it can adequately control all eventual uses.

Therefore, Type I and Type II sludge materials are most suitable for horticultural utilization. In addition, commercial users will prefer the high quality sludge and less burdensome regulations, and buyers will have more confidence in the final product.

Where a POTW provides (either through sale or give-away) sludge to a commercial agent, there will be a jointly regulated party (POTW and Commercial Agent) with all process and product useage defined in the Land Application Certificate (LAC). The intent is that the product trail, from POTW, to Commercial Agent, to final use, is clearly articulated and agreed to by all parties. For example, the LAC would indicate that the POTW is authorized to transfer (blank) cubic yards of screened compost to Ajax gardening center where the compost will be utilized as an ingredient in a potting soil mix which will be used on-site by the agent for potted flowering plants, and the plants would then be sold on the retail market.

Once the Department approves this process, the regulatory trail ends and does not pass down to the individual purchaser of the potted plant. In other words the Department’s

regulatory control applies to both producer and commercial user but not the retail consumer.

While it may be difficult to monitor long-term impacts at “application sites” (either where a product is developed, grown or transplanted) due to the wide distribution of the final product, it is very unlikely that there will be any adverse impacts because these are basically one-time applications. Essentially, sludge is beneficially used once for growing a specific product (potted plant, tree root ball, or sod), as opposed to being used to fertilize a plot of land. Once the product is produced and sold, it is unlikely that there will be continued application of sludge to the product.

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